

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:07-HC-2072-D

UNITED STATES OF AMERICA,)
)
Petitioner,)
)
v.)
)
JOSEPH FRANK,)
)
Respondent.)

ORDER

On September 11, 2007, Joseph Frank filed a motion to dismiss [D.E. 9] concerning this action under 18 U.S.C. § 4248. On June 30, 2010, Frank filed a second motion to dismiss [D.E. 23]. In his second motion to dismiss, Frank described numerous events that have taken place since his first motion to dismiss, including the Supreme Court's decision involving 18 U.S.C. § 4248 in June 2010 in United States v. Comstock, and the Supreme Court's remand in Comstock to the Fourth Circuit. Id.; cf. United States v. Comstock, 130 S. Ct. 1949 (2010). In light of those procedural events and the arguments scheduled in the Fourth Circuit in September 2010 concerning Comstock, the first motion to dismiss [D.E. 9] is DENIED without prejudice. The court will address the second motion to dismiss [D.E. 23] in due course.

SO ORDERED. This 20 day of August 2010.


JAMES C. DEVER III
United States District Judge